



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,111	03/26/2001	Rabindranath Dutta	AUS920010052US1	7745

7590 09/10/2003
Joseph R. Burwell
Law Office of Joseph R. Burwell
P.O. Box 28022
Austin, TX 78755-8022

EXAMINER

RIMELL, SAMUEL G

ART UNIT	PAPER NUMBER
----------	--------------

2175

DATE MAILED: 09/10/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/817,111

Applicant(s)

DUTTA ET AL.

Examiner

Sam Rimell

Art Unit

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 2175

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 7-10, 13, 14, 17, 19-21, 25-28, 31, 32, 35, 37-39, 43-46, 49, 50 and 53 are rejected under 35 U.S.C. 102(e) as being anticipated by Van Stam (U.S. Pre-Grant publication 2003/0014759, effective filing date December 21, 1999).

Claim 1: Van Stam discloses peer-to-peer networks (20) communicating with a server (10). Accordingly, the system of Van Stam is programmed so as to allow a user at a first peer node to enter keywords, which would be the entry of a URL address to contact the server (10). The URL address (keywords) are sent in a message to the server so that contact is made with the server (10). The server then returns to the first node a listing of all the peers currently connected to the network and their network node addresses (paragraph 0020, lines 5-9). The first peer then conducts queries with secondary peers in order to download data (paragraph 0030, lines 9-10). The data is downloaded from peers identified by the server. The URL used by the peers to connect to the network is considered to be a query, in addition to the queries exchanged between the peers to obtain data.

Claim 2: Van Stam permits the first peer node to obtain a search result message from a second peer node (paragraph 0028, lines 5-7) and retrieve files from the second peer node (paragraph 0030, lines 9-10).

Claim 3: Paragraph 0020, lines 5-9 state the user is displayed all of the peer nodes on the network. This reads as a capturing of those peer nodes. The listing of peer nodes are maintained (saved) for the duration of each peer's connection to the network (paragraph 0012, lines 3-4).

Claim 7: Every peer node on the network is registered with the server and the list of nodes is shared with all the other peers (paragraph 0020, lines 5-9).

Claim 8: Any graphical user interface which each peer uses to communicate on the network (i.e. an internet web page, paragraph 0011, line 15) is readable as the rating module which is received on the peer node. Also note that this module is readable as a rating module because the users rate each other before sharing information (paragraph 0028).

Claim 9: The rating module (graphical user interface at the peer) is presented to the given user when they connect with the server.

Claim 10: The step of entering a URL to contact the server (20) is the step of having the server receive a rating request message having a keyword (the URL). Each peer is considered to be a rating database and searches are made between peers. In setting up the network, the server (20) retrieves the addresses of peer nodes on the network and sends the complete address list of node identifiers to each peer (paragraph 0020, lines 5-9).

Claim 13: Every peer node on the network is registered with the server and the list of nodes is shared with all other peers (paragraph 0020, lines 5-9).

Claim 14: Any graphical user interface which each peer uses to communicate on the network (i.e. an internet web page, paragraph 0011, line 15) is readable as the rating module which is received on the peer node. Also note that this module is readable as the rating module because the users rate each other before sharing information (paragraph 0028).

Claim 17: Any given user is readable as a rating peer node since the users have the capability to rate each other (paragraph 0028). Access is provided without a specified fee.

Claim 19: See remarks for claim 1.

Claim 20: See remarks for claim 2.

Claim 21: See remarks for claim 3.

Claim 25: See remarks for claim 7.

Claim 26: See remarks for claim 8.

Claim 27: See remarks for claim 9.

Claim 28: See remarks for claim 10.

Claim 31: See remarks for claim 13.

Claim 32: See remarks for claim 14.

Claim 35: See remarks for claim 17.

Claim 37: See remarks for claim 1.

Claim 38: See remarks for claim 2.

Claim 39: See remarks for claim 3.

Claim 43: See remarks for claim 7.

Claim 44: See remarks for claim 8.

Claim 45: See remarks for claim 9.

Claim 46: See remarks for claim 10.

Claim 49: See remarks for claim 13.

Claim 50: See remarks for claim 14.

Claim 53: See remarks for claim 17.

Art Unit: 2175

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12, 15, 18, 30, 33, 36, 48, 51 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Stam.

Claims 12: Van Stam differs from the claims in that it does not disclose a given peer initiating a financial transaction with another peer in order to grant the other peer access to information. However, Examiner takes Official Notice that it is very well known in the art to provide information to users in exchange for a fee. It would have been obvious to one of ordinary skill in the art to modify Van Stam to permit fee transactions between peers in exchange for information as is very known in the art for generating revenues on the Internet.

Claim 15: Van Stam differs in that it does not call for requiring a fee to access the network. However, Examiner takes Official Notice that it is very well known in the art to require fees from users accessing networks. For example, Internet Service Providers and news providers such as CNN require user fees to access portions of their networks. It would have been obvious to one of ordinary skill in the art to modify Van Stam to require fees to access the peer-to-peer network as is very known in the art for generating revenues on the Internet.

Claim 18: Van Stam differs from the claims in that it does not disclose a given peer initiating a financial transaction with another peer (each peer has a rating database). However, Examiner takes Official Notice that it is very well known in the art to provide information to users in exchange for a fee. It would have been obvious to one of ordinary skill in the art to

Art Unit: 2175

modify Van Stam to permit fee transactions between peers in exchange for information as is very well known in the art for generating revenues on the Internet.

Claim 30: See remarks for claim 12.

Claim 33: See remarks for claim 15.

Claim 36: See remarks for claim 18.

Claim 48: See remarks for claim 12.

Claim 51: See remarks for claim 15.

Claim 54: See remarks for claim 18.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 5, 6, 11, 16, 22, 23, 24, 29, 34, 40, 41, 42, 47 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Stam in view of Carey et al (U.S. Pre-Grant publication 2002/0112035, effective filing date of October 30, 2000).

Claims 4, 5, 6, 11, 16: Each of claims 4, 5, 6, 11 and 16 differ from Van Stam in the step of sending client rating information and statistical information to the server. However, paragraphs 0167 and 0174 of Carey et al. discloses the step of sending evaluation information to a server (114) from users (116). The evaluation information can include rating information (outcomes-paragraph 0167) or statistical information (what the user did or did not click while on the system-paragraph 0174). It would have been obvious to one of ordinary skill in the art to

Art Unit: 2175

modify Van Stam to permit the server to collect user ratings and statistics for marketing purposes as taught by Carey et al.

Claims 22, 23, 24, 29, 34: These claims correlate to claims 4, 5, 6, 11 and 16 respectively.

Claims 40, 41, 42, 47 and 52: These claims correlate to claims 4, 5, 6, 11 and 16 respectively.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (703) 306-5626.



Sam Rimell
Primary Examiner
Art Unit 2175